

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:93CR172
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
AHMED JOHNSON,)	GOVERNMENT'S RESPONSE TO
)	DEFENDANT'S FEBRUARY 12, 2019
Defendant.)	LETTER
)	
)	(Response to ECF No. 161)

The United States of America, by and through its counsel, Justin E. Herdman, United States Attorney, and Matthew B. Kall, Assistant United States Attorney, hereby files this response to Defendant Ahmed Johnson's Letter, dated February 12, 2019. (R. 161: Letter, PageID 46).

On November 16, 1993, this Court sentenced Ahmed Johnson to a term of 84-months' imprisonment on Counts 1 and 5 based on an indictment that charged him with armed bank robbery, in violation of 18 U.S.C. § 2113(a) & (d), and aiding and abetting, in violation of 18 U.S.C. § 2. He was also sentenced to consecutive terms of 60 months' imprisonment on Count 2, and 240 months' imprisonment on Count 6 which each charged him with use of a firearm in connection with a crime of violence, in violation of 18 U.S.C. § 924(c)(1). (R. 150: Docket, PageID 15). According to the public Inmate Locator on the Bureau of Prisons' website, Johnson's scheduled release date is January 22, 2023.

In his Letter, Johnson asks this Court to appoint counsel to determine whether he is entitled to relief under the First Step Act. The government takes no position on Johnson's request for the appointment of counsel, as the appointment of counsel is a matter squarely within the Court's discretion.

The government notes, however, that Johnson is not entitled to any relief or resentencing on his Section 924(c) counts. Section 403(b) of the First Step Act provides that the amendments concerning Section 924(c)'s penalty provisions "apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment." Accordingly, the Section 924(c) amendments do not affect defendants, like Johnson, who were sentenced on or before December 20, 2018.

Accordingly, the government respectfully requests that this Court deny Ahmed Johnson's request for sentence reduction under the First Step Act.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April 2019, a copy of the foregoing was filed with the court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. In addition, the United States will serve a copy of the foregoing by regular U.S. Mail to defendant Ahmed Johnson, Reg. No 34992-060, at Federal Correctional Institution, P.O. Box 900, Ray Brook, NY 12977.

/s/ Matthew B. Kall

Matthew B. Kall
Assistant U.S. Attorney